

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|-----------------------------------|---|--------------------------------------|
| In re: |) | Chapter 11 |
| |) | Case No. 01-01139 (JKF) |
| W.R. GRACE & CO., <u>et al.</u> , |) | (Jointly Administered) |
| |) | |
| Debtors. |) | Objection Deadline: 10/25/2011 |
| |) | Hearing Date: Scheduled if Necessary |

COVER SHEET
SIXTY-THIRD MONTHLY INTERIM APPLICATION
OF PHILLIPS, GOLDMAN & SPENCE, P.A. AS LOCAL COUNSEL TO
DAVID T. AUSTERN, FUTURE CLAIMANTS' REPRESENTATIVE FOR
COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR THE
PERIOD OF AUGUST 1, 2009 TO AUGUST 31, 2009

| | |
|--|--|
| Name of Applicant: | Phillips, Goldman & Spence, P.A. ("PG&S") |
| Authorized to Provide Professional Services to: | David T. Austern, Future Claimants' Representative (the "FCR") |
| Date of Retention | PG&S Retention Order entered September 27, 2004 |
| Period for which Compensation is Sought: | August 1, 2009 through August 31, 2009 |
| Amount of Compensation (100%) sought as actual, reasonable, and necessary: | \$37,381.50 |
| 80% of Fees to be Paid: | \$29,905.20 |
| Amount of Expense Reimbursement sought as actual, reasonable, and necessary: | 485.98 |
| Total Fees @ 80% and Expenses: | \$30,391.18 |
| This is an: | <u> X </u> interim <u> </u> monthly <u> </u> final application |

The total time expended for fee application preparation during this time period was 1.20 hours and the corresponding fees were \$235.00. The time spent for this matter will be requested in subsequent monthly interim applications.

PREVIOUS APPLICATIONS

| Fee Application Filing Date, Docket No. | Total Fees Requested | Total Expenses Requested | CNO Filing Date, Docket No. | 80% of Fees Paid or To be Paid | Amount of Holdback Fees | Amount Paid |
|---|----------------------|--------------------------|--------------------------------|--------------------------------|-------------------------|-------------|
| 1 st Monthly Application 5.24.04-6.30.04 Filed 10.6.04 Dkt. No. 6549 | \$5,034.50 | \$0.00 | Filed 10.27.04 Dkt No. 6751 | \$4,027.60 | \$1,006.90 | \$4,027.60 |
| 1 st Quarterly Fee Application 5.24.04-6.30.04 Filed 10.27.04 Dkt. No. 6752 | \$5,034.50 | \$0.00 | Filed 11.19.04 Dkt No. 6696 | N/A | \$1,006.90 | 1,006.90 |
| 2 nd Monthly Application 7.1.04-7.31.04 Filed 10.6.04 Dkt. No. 6550 | \$2,619.00 | \$852.87 | Filed 11.11.04 Dkt No. 6883 | \$2,095.20 | \$523.80 | \$2,948.07 |
| 3 rd Monthly Application 8.1.04-8.31.04 Filed 10.8.04 Dkt. 6569 | \$3,110.00 | \$450.36 | Filed 11.11.04 Dkt No. 6884 | \$2,488.00 | \$622.00 | \$2,938.36 |
| 4 th Monthly Application 9.1.04-9.30.04 Filed 10.28.04 Dkt. No. 6783 | \$5,034.50 | \$419.64 | Filed 11.19.04 Dkt No. 6997 | \$4,107.20 | \$1,026.80 | \$4,526.84 |
| 2nd Quarterly Fee Application 7.1.04-9.30.04 Filed 11.16.04 Dkt. No. 6940 | \$10,863.00 | \$1,722.87 | Filed 3.9.05 Dkt No. 7997 | N/A | \$2,187.60 | \$2,187.60 |
| 5 th Monthly Application 10.1.04-10.31.02 Filed 11.29.04 Dkt. No. 7041 | \$6,273.00 | \$582.11 | Filed 12.21.04 Dkt No. 7278 | \$5,018.40 | \$1,254.60 | \$5,600.51 |
| 6 th Monthly Application 11.1.04-11.30.04 Filed 12.28.04 Dkt. No. 7370 | \$7,128.00 | \$249.55 | Filed 1.28.05 Dkt No. 7643 | \$5,702.40 | \$1,425.60 | \$5,951.95 |
| 7 th Monthly Application 12.1.04-12.31.04 Filed 1.28.05 Dkt No. 7644 | \$7,245.00 | \$186.54 | Filed 2.28.05 Dkt No. 7917 | \$5,796.00 | \$1,449.00 | \$5,982.54 |
| 3 rd Quarterly Fee Application 10.1.04-12.31.04 Filed 2.15.05 Dkt. No. 7783 | \$20,646.00 | \$1,018.20 | Filed 6.14.05 Dkt No. 8613 | N/A | \$4,129.20 | \$4,129.20 |

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|--|----------------------|--------------------------|--------------------------------|--------------------------------|-------------------------|-------------|
| 8 th Monthly Application 1.1.05-1.31.05 Filed 2.28.05 Dkt No. 7918 | \$9,247.00 | \$2,039.47 | Filed 3.29.05 Dkt No. 8135 | \$7,397.60 | \$1,850.00 | \$9,437.07 |
| 9 th Monthly Application 2.2.05-2.28.058 Filed 4.8.05 Dkt No. 8191 | \$3,373.00 | \$164.44 | Filed 4.26.05 Dkt No. 8284 | \$2,862.84 | \$674.60 | \$2,862.84 |
| 10 th Monthly Application 3.1.05-3.31.05 Filed 4.26.05 Dkt No. 8285 | \$4,127.50 | \$461.38 | Filed 6.6.05 Dkt No. 8553 | \$3,763.38 | 825.00 | \$3,763.38 |
| 4 th Quarterly Application 1.1.05-3.31.05 Filed 4.29.05 Dkt No. 8303 | \$16,747.50 | \$2,665.29 | Filed 9.14.05 Dkt No. 9418 | N/A | \$3349.49 | \$3349.49 |
| 11 th Monthly Application 4.1.05-4.30.05 Filed 6.6.05 Dkt No. 8554 | \$4,910.00 | \$195.51 | Filed 7.26.05 Dkt No. 9094 | \$3,928.00 | \$982.00 | \$4,123.51 |
| 12 th Monthly Application 5.1.05-5.31.05 Filed 6.27.05 Dkt No. 8686 | \$3,596.00 | \$309.93 | Filed 7.20.05 Dkt No. 9029 | \$2,876.80 | \$719.20 | \$3,186.73 |
| 13 th Monthly Application 6.1.05-6.30.05 Filed 7.26.05 Dkt No. 9095 | \$5,395.00 | 1,093.35 | Filed 8.31.05 Dkt No. 9288 | \$4,316.00 | \$1,079.00 | 5,409.35 |
| 5 th Quarterly Application Filed 7.27.05 Dkt No. 9096 | \$13,901.00 | \$1,598.79 | Filed 12.5.05 Dkt No. 11250 | N/A | \$2,780.20 | \$2,780.20 |
| 14 th Monthly Application Filed 1.3.06 Dkt No. 11474 | \$13,174.50 | \$212.31 | Filed 1.30.06 Dkt No. 11643 | \$10,539.60 | \$2,634.90 | \$10,751.91 |
| 15 th Monthly Application Filed 1.3.06 Dkt No. 11475 | \$6,226.00 | \$113.00 | Filed 1.30.06 Dkt No. 11644 | \$4,980.80 | \$1,245.20 | \$5,093.80 |
| 16 th Monthly Application Filed 1.3.06 Dkt No. 11476 | \$6,258.00 | \$95.26 | Filed 1.30.06 Dkt No. 11645 | \$5,006.4 | \$1,251.60 | \$5,101.66 |
| 6 th Quarterly Application Filed 1.3.06 Dkt No. 11477 | \$25,658.50 | \$420.57 | Filed 3.21.06 Dkt No. 12097 | N/A | \$5,131.70 | \$5,131.70 |
| 17 th Monthly Application Filed 1.3.06 Dkt No. 11478 | \$10,201.00 | \$9.11 | Filed 1.30.06 Dkt No. 11646 | \$8,160.80 | \$2,040.20 | \$8,169.91 |

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|--|----------------------|--------------------------|---------------------------------|--------------------------------|-------------------------|-------------|
| 18 th Monthly Application Filed 1.3.06 Dkt No. 11479 | \$5,406.50 | \$10.88 | Filed 1.30.06 Dkt No. 11647 | \$4,325.20 | \$1,302.90 | \$4,336.08 |
| 19 th Monthly Application Filed 2.6.06 Dkt No. 11722 | \$7,533.00 | \$133.39 | Filed 3.1.06 Dkt No. 11918 | \$6,026.40 | \$1,506.60 | \$6,159.79 |
| 7 th Quarterly Application Filed 2.10.06 Dkt No. 11746 | \$23,140.50 | \$153.38 | Filed 3.21.06 Dkt No. 12098 | N/A | \$4,849.70 | \$4,849.70 |
| 20 th Monthly Application Filed 2.27.06 Dkt No. 11910 | \$8,479.50 | \$371.71 | Filed 4.28.06 Dkt No. 12332 | \$6,783.60 | \$1,695.90 | \$7,155.31 |
| 21 st Monthly Application Filed 3.23.06 Dkt No. 12109 | \$6,008.50 | \$469.08 | Filed 4.28.06 Dkt No. 12333 | \$4,806.80 | \$1,201.70 | \$5,275.88 |
| 22 nd Monthly Application Filed 4/28/06 Dkt No. 12334 | \$5,694.00 | \$580.22 | Filed 12555 Dkt No. 5/31/06 | \$4,555.20 | \$1,138.80 | \$5,135.42 |
| 8 th Quarterly Application Filed 5/31/06 Dkt No. 12556 | \$20,182.00 | \$1,421.01 | Filed 9/11/06 Dkt No. 13188 | N/A | \$4,036.40 | 4,036.40 |
| 23 rd Monthly Application Filed 8.23.26 Dkt No. 13042 | \$5,289.50 | \$1,080.15 | Filed 9/20/06 Dkt No. 13270 | \$4,231.60 | \$1,057.90 | \$5,311.75 |
| 24 th Monthly Application Filed 8.23.06 Dkt No. 13043 | \$4,235.00 | \$2,740.09 | Filed 9/20/06 Dkt No. 13271 | \$3,338.00 | \$847.00 | \$6,128.09 |
| 25 th Monthly Application Filed 8.23.06 Dkt No. 13044 | \$3,753.50 | \$564.12 | Filed 9/20/06 Dkt No. 13272 | \$3,002.80 | \$750.70 | \$3,566.92 |
| 9 th Quarterly Application Filed 8.29.06 Dkt No. 13078 | \$13,278.00 | \$4,384.36 | Filed 12.7.06 Dkt No. 13941 | N/A | \$2,655.60 | \$2,655.60 |
| 26 th Monthly Application Filed 8/29/06 Dkt No. 13079 | \$7,094.50 | \$62.04 | Filed 9.20.06 Dkt No. 13273 | \$5,675.60 | \$1,418.90 | \$5,737.64 |
| 27 th Monthly Application Filed 10.2.06 Dkt No. 13333 | \$11,850.50 | \$270.91 | Filed 10.30.06 Dkt No. 13517 | \$9,480.40 | \$2,370.10 | \$9,751.31 |
| 28 th Monthly Application Filed 10.30.06 Dkt No. 13518 | \$11,649.00 | \$1,264.75 | Filed 11.27.06 Dkt No. 13786 | \$9,319.20 | \$2,329.80 | \$10,583.95 |
| 10 th Quarterly Application Filed 11.9.06 Dkt No. 13611 | \$30,594.00 | \$1,597.70 | Filed 12.7.06 Dkt No. 13942 | N/A | \$6,118.80 | \$6,118.80 |

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|--|----------------------|--------------------------|---------------------------------|--------------------------------|-------------------------|-------------|
| 29 th Monthly Application Filed 11.27.06 Dkt No. 13787 | \$7,261.00 | \$358.99 | Filed 12.20.06 Dkt No. 14081 | \$5,808.80 | \$1,452.20 | 6,167.79 |
| 30 th Monthly Application Filed 12.20.006 Dkt No. 14082 | \$8,944.50 | \$97.57 | Filed 1.30.07 Dkt No. 14424 | \$7,155.60 | \$1788.90 | \$7,253.17 |
| 31 st Monthly Application Filed 2.5.07 Dkt No. 14485 | \$17,130.50 | \$857.47 | Filed 3.5.07 Dkt No. 14747 | \$13,704.40 | \$3,426.10 | \$14,561.87 |
| 11 th Quarterly Application Filed 2.7.07 Dkt No. 14511 | \$33,336.00 | \$1,314.03 | Filed 16017 Dkt. No. 6.12.07 | N/A | \$6,667.20 | \$6,667.20 |
| 32 nd Monthly Application Filed 3.14.07 Dkt No. 14859 | \$14,348.50 | \$56.44 | Filed 4.19.07 Dkt. No. 15244 | \$11,478.80 | \$2,869.70 | \$11,535.24 |
| 33 rd Monthly Application Filed 4.19.07 Dkt No. 15247 | \$8,698.00 | \$216.20 | Filed 5.10.07 Dkt. No. 15632 | \$6,958.40 | \$1,739.60 | \$7,174.60 |
| 34 th Monthly Application Filed 4.27.07 Dkt No. 15415 | \$14,039.00 | \$755.74 | Filed 5.30.07 Dkt No. 15897 | \$11,231.20 | \$2,807.80 | \$11,986.94 |
| 12 th Quarterly Application Filed 5/10/07 Dkt No. 15631 | \$37,085.50 | \$1,028.38 | Filed 9/11/07 Dkt No. 16697 | N/A | \$7,417.10 | \$7,417.10 |
| 35 th Monthly Application Filed 5.30.07 Dkt No. 15898 | \$21,025.50 | \$747.92 | Filed 6/25/07 Dkt No. 16151 | \$16,820.40 | \$4,205.10 | \$17,568.32 |
| 36 th Monthly Application Filed 5.30.07 Dkt No. 16152 | \$16,554.00 | \$1,137.01 | Filed 9/11/07 Dkt No. 16798 | \$13,243.20 | \$3,310.80 | \$14,380.21 |
| 37 th Monthly Application Filed 11.7.07 Dkt No. 17313 | \$17,017.00 | \$742.33 | Filed 12.3.07 Dkt No. 17507 | \$13,613.60 | \$3,403.40 | \$14,355.93 |
| 13 th Quarterly Application Filed 11.8.07 Dkt No. 17315 | \$54,596.50 | \$2,627.26 | Filed 12.3.07 Dkt No. 17508 | N/A | \$10,919.30 | \$10,919.30 |
| 38 th Monthly Application Filed 11.9.07 Dkt No. 17318 | \$17,802.00 | \$99.66 | Filed 12.3.07 Dkt No. 17509 | \$14,241.60 | \$3,560.40 | \$14,341.26 |
| 39 th Monthly Application Filed 12.3.07 Dkt No. 17510 | \$9,061.00 | \$905.60 | Filed 12.27.07 Dkt No. 17711 | \$7,248.80 | \$1,812.20 | \$8,154.40 |

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|--|----------------------|--------------------------|---------------------------------|--------------------------------|-------------------------|-------------|
| 40 th Monthly Application Filed 12.3.07 Dkt No. 17511 | \$13,241.50 | \$1,202.40 | Filed 12.6.07 Dkt No. 17706 | \$10,593.20 | \$2,648.30 | \$11,795.60 |
| 14 th Quarterly Application Filed 12.3.07 Dkt No. 17512 | \$40,104.50 | 2,207.66 | Filed 3.3.08 Dkt No. 18184 | N/A | \$8020.90 | \$8,020.90 |
| 41 st Monthly Application Filed 12.3.07 Dkt No. 17513 | \$9,331.50 | \$67.00 | Filed 12.26.07 Dkt No. 17707 | \$7,465.20 | \$1,866.30 | \$7,532.20 |
| 42 nd Monthly Application Filed 12.17.07 Dkt No. 17646 | \$9,544.00 | \$1,019.68 | Filed 1.23.08 Dkt No. 17871 | \$7,635.20 | \$1908.80 | \$8,654.88 |
| 43 rd Monthly Application Filed 1.29.08 Dkt No. 19724 | \$21,040.00 | \$1,169.65 | Filed 3.3.08 Dkt No. 18183 | \$16,832.00 | \$4,208.00 | \$18,001.65 |
| 15 th Quarterly Application Filed 2.11.08 Dkt No. 18019 | \$39,915.50 | \$2,256.33 | Filed 6.9.08 Dkt No. 18886 | N/A | \$7,983.10 | \$7,983.10 |
| 44 th Monthly Application Filed 3.14.08 Dkt No. 18292 | \$29,925.00 | \$236.90 | Filed 4.24.08 Dkt No. 18606 | \$23,940.00 | \$5,985.00 | \$24,176.90 |
| 45 th Monthly Application Filed 3.27.08 Dkt No. 18393 | \$8,083.00 | \$219.58 | Filed 4.24.08 Dkt No. 18607 | \$6,466.40 | \$1,616.60 | \$6,685.98 |
| 46 th Monthly Application Filed 4.25.08 Dkt No. 18609 | \$22,230.00 | \$1,839.62 | Filed 5.19.08 Dkt No. 18737 | \$17,784.00 | \$4,446.00 | \$19,623.62 |
| 16 th Quarterly Application Filed 5.19.08 Dkt No. 18738 | \$60,238.00 | \$2,296.10 | Filed 6.9.08 Dkt No. 18886 | N/A | \$12,047.60 | \$12,047.60 |
| 47 th Monthly Application Filed 6.10.08 Dkt No. 18904 | \$15,968.00 | \$1,087.27 | Filed 7.1.08 Dkt No. 19027 | \$12,774.40 | \$3,193.60 | \$13,861.67 |
| 48 th Monthly Application Filed 7.1.08 Dkt No. 19028 | \$7,235.00 | \$118.33 | Filed 7.28.08 Dkt No. 19167 | \$5,788.00 | \$1,447.00 | \$5,906.33 |
| 49 th Monthly Application Filed 7.31.08 Dkt No. 19207 | \$10,658.00 | \$1,093.15 | Filed 8.27.08 Dkt No. 19384 | \$8,526.40 | \$2,131.60 | \$9,619.55 |
| 17 th Quarterly Application Filed 8.5.08 Dkt No. 19235 | \$33,861.00 | \$4,594.85 | Filed 12.10.08 Dkt No. 20238 | N/A | \$6,772.20 | \$6,772.20 |

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|---|----------------------|--------------------------|---------------------------------|--------------------------------|-------------------------|-------------|
| 50 th Monthly Application Filed 8.27.08 Dkt No. 19385 | \$9,720.00 | \$826.54 | Filed 9.19.08 Dkt No. 19573 | \$7,776.00 | \$1,944.00 | \$8,602.54 |
| 51 st Monthly Application Filed 11.17.08 Dkt No. 20048 | \$6,864.00 | \$1,017.41 | Filed 12.10.08 Dkt No. 20239 | \$5,491.20 | \$1,372.8 | \$6,508.61 |
| 52 nd Monthly Application Filed 11.17.08 Dkt No. 20049 | \$10,739.00 | \$822.12 | Filed 1.7.09 Dkt No. 20500 | \$8,591.20 | \$2,147.80 | \$9413.32 |
| 18 th Quarterly Application Filed 11.26.08 Dkt No. 20148 | \$27,323.00 | \$2,666.07 | Filed 3.20.09 Dkt No. 21056 | N/A | \$5,464.60 | \$5,464.60 |
| 53 rd Monthly Application Filed 12.1.08 Dkt. No. 20161 | \$15,150.00 | \$81.25 | Filed 1.5.08 Dkt No. 20415 | \$12,120.00 | \$3,030.00 | \$12,201.25 |
| 54 th Monthly Application Filed 1.12.09 Dkt No. 20501 | \$9,633.00 | \$98.53 | Filed 2.25.09 Dkt No. 20837 | \$7,706.40 | \$1,926.60 | \$7,804.93 |
| 55 th Monthly Application Filed 2.25.09 Dkt No. 20838 | \$9,620.00 | \$1,429.03 | Filed 3.20.09 Dkt No. 21057 | \$7,696.00 | \$1,924.00 | \$9,125.02 |
| 19 th Quarterly Application Filed 20884 Dkt No. 3.3.09 | \$34,403.00 | \$1,608.81 | Filed 6.15.09 Dkt No. 22090 | N/A | \$6,880.60 | \$6,880.60 |
| 56 th Monthly Application Filed 2.25.09 Dkt No. 20839 | \$17,324.00 | \$1,776.56 | Filed 21058 Dkt No. 3.20.09 | \$13,859.20 | \$3,464.80 | \$15,635.76 |
| 57 th Monthly Application Filed 5.13.09 Dkt No. 21653 | \$17,780.50 | \$246.50 | Filed 6.4.09 Dkt No. 21988 | \$14,224.40 | \$3,556.10 | \$14,470.90 |
| 58 th Monthly Application Filed 5.13.09 Dkt No. 21654 | \$21,595.00 | \$741.49 | Filed 6.4.09 Dkt No. 21999 | \$17,276.00 | \$4,319.00 | \$18,017.49 |
| 20 th Quarterly Application Filed 5.19.09 Dkt No. 21743 | \$56,699.50 | \$2,764.55 | Filed Dkt No. | N/A | \$11,339.90 | \$11,339.90 |
| 59 th Monthly Application Filed 6.2.09 Dkt No. 21947 | \$15,070.00 | \$416.97 | Filed 6.24.09 Dkt No. 22232 | \$12,056.00 | \$3,014.00 | \$12,472.97 |
| 60 th Monthly Application Filed 6.24.009 Dkt. No. 22233 | \$27,350.00 | \$229.47 | Filed 8.5.09 Dkt No. 22704 | \$21,880.00 | \$5,170.00 | \$22,109.47 |

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| 61 ST Monthly Application Filed 1/11/2010 Dkt. No. 24137 | \$15,040.00 | \$1,771.89 | Filed 2.23.2010 Dkt. No. 24139 | \$12,032.00 | \$3008.00 | \$13,803.89 |
| 21 st Quarterly Application Filed 1.12.2010 Dkt. No. 24142 | \$42,390.00 | \$2,418.33 | Filed 3.10.2010 Dkt. No. 24431 | | \$11,192.00 | \$11,192.00 |
| 62 nd Monthly Application Filed 10.4.2011 Dkt. No. | \$22,770.00 | \$819.58 | Filed Dkt. No. | \$18,216.00 | \$4,554.00 | |

CURRENT COMPENSATION SUMMARY

AUGUST 1, 2009 THROUGH AUGUST 31, 2009

| Name of Professional Person | Position of the Applicant, Number of years in that Position, Prior Relevant Experience, Year of Obtaining License to Practice, Area of Expertise | Hourly Billing Rate (including changes) | Total Billed Hours | Total Compensation |
|-----------------------------|--|---|--------------------|--------------------|
| John C. Phillips, Jr. | Director/17 years/1974/ litigation/bankruptcy | \$425 | 86.70 | \$36,847.50 |
| Celeste A. Hartman | Sr. Paralegal/12 years/23 years prior experience | \$150 | 3.00 | \$450.00 |
| Tanya L. Birdsell | Legal Assistant/N/A | \$140 | 0.60 | \$84.00 |
| Grand Total | | | 90.30 | \$37,381.50 |
| Blended Rate: | | | | \$413.97 |

COMPENSATION BY PROJECT CATEGORY


| Project Category | Total Hours | Total Fees |
|--------------------------------------|-------------|-------------|
| Case Administration | 0.10 | \$42.50 |
| Fee/Employment Applications | 3.60 | \$589.00 |
| Litigation | 48.20 | \$20,485.00 |
| Plan and Disclosure Statement | 37.30 | \$15,797.50 |
| Asset Disposition | 0.30 | \$127.50 |
| Claims Administration and Objections | 0.80 | \$340.00 |
| Total | 90.30 | \$37,381.50 |

EXPENSE SUMMARY

| Expense Category | Service Provider | Total Expenses |
|------------------------------|-------------------------|-----------------------|
| Photocopies (@ 10¢ per page) | N/A | \$150.90 |
| Long Distance Phone Charges | N/A | \$80.61 |
| Postage | N/A | \$1.49 |
| Court Call Reimbursement | John C. Phillips, Jr. | \$216.00 |
| Overnight Courier | Federal Express | \$36.98 |
| Total | | \$485.98 |

The FCR was appointed effective May 24, 2004. Since his appointment, the FCR and his professionals have focused on events occurring in these cases over the previous four years, on protecting the rights of the future claimants with respect to actions taken by the Debtors, the Committees and other parties in interest, claims estimation and plan of reorganization.

PHILLIPS, GOLDMAN & SPENCE, P.A.



 JOHN C. PHILLIPS, JR., ESQUIRE (#110)
 1200 North Broom Street
 Wilmington, DE 19806
 (302) 655-4200
 (302) 655-4210
 Local Counsel to David T. Austern, as Future
 Claimants' Representative

Date: October 4, 2011